

1 RESOLUTION NO. 2018-360

2
3 SPONSOR Ms. Shapiro

4
5 DATE September 24, 2018

COMMITTEE Public Safety

6
7 **A Resolution repealing Ordinance Nos. 83-406 and 96-611 designating 40 East Glenwood**
8 **Ave., Akron, Ohio 44304 as a County Jail Facility, redesignating and establishing 40 East**
9 **Glenwood Ave. as a Community Alternative Sentencing Center, establishing the rules for**
10 **the operation of the Center, establishing criteria for admissible offenders, and authorizing**
11 **the County Executive to execute an intergovernmental agreement with political**
12 **subdivisions concerning the use of the Center, for the Executive's Department of Law and**
13 **Risk Management-Division of Public Safety and the Sheriff, and declaring an emergency.**

14
15 WHEREAS, County Council previously adopted Ordinance No. 83-406, which
16 designated the leasehold space occupied by Oriana House, Inc. at 40 East Glenwood Ave.,
17 Akron, Ohio 44304 as a County Jail Facility ("Glenwood Jail") for the purposes of incarceration
18 of certain offenders convicted of a violation of Section 4511.19 of the Ohio Revised Code, or a
19 comparable municipal ordinance, or violation of another alcohol statute and sentenced to 72
20 hours of incarceration or less, or where such offenders agree to participation and payment of fees
21 as necessary for an alcoholic rehabilitative and educational program to be conducted during the
22 period of incarceration; and

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24 WHEREAS, Council subsequently adopted Ordinance No. 96-611, which continued to
25 designate a portion of the leasehold space occupied by Oriana House, Inc. at the Glenwood Jail
26 as a County Jail Facility, and further as a Minimum Security Jail for the purposes of
27 incarceration of certain offenders convicted of a violation of Section 4511.19 of the Ohio
28 Revised Code or a comparable municipal ordinance or violation of another alcohol statute and
29 sentenced to 180 days of incarceration or less; and

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31 WHEREAS, the Glenwood Jail is jointly operated by Oriana House, Inc. and the County
32 Sheriff as set forth in Ordinance No. 96-611; and

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34 WHEREAS, Section 307.392 of the Ohio Revised Code authorizes a county to, in
35 consultation with the county sheriff, establish by resolution a community alternative sentencing
36 Center ("CASC") that, upon implementation by the county or being subcontracted to or operated
37 by a nonprofit organization, shall be used for the confinement of eligible offenders sentenced
38 directly to the CASC by a court located in the county pursuant to a community residential
39 sanction of not more than ninety days, or pursuant to an operating a vehicle while intoxicated
40 term of confinement of not more than ninety days, and for the purpose of closely monitoring
41 those offenders' adjustment to community supervision; and

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43 WHEREAS Section 307.393 of the Ohio Revised Code requires that a resolution by a
44 county establishing a CASC also include rules for the operation of the CASC and criteria that
45 define which offenders are eligible to be sentenced directly to the CASC and admitted to it; and

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4 WHEREAS, said criteria shall, at a minimum, provide for the confinement of offenders
5 sentenced directly to the CASC for violation of a qualifying misdemeanor offense pursuant to a
6 community residential sanction of not more than ninety days or pursuant to an operating a
7 vehicle while intoxicated term of confinement of not more than ninety days; and

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9 WHEREAS, pursuant to Section 307.393 of the Ohio Revised Code further required the
10 Executive to execute an intergovernmental agreement with political subdivisions concerning the
11 use of the CASC; and

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13 WHEREAS, the County Executive, in consultation with the Sheriff, recommends that this
14 Council rescind Ordinances Nos. 83-406 and 96-611 designating Glenwood Jail as a County Jail
15 Facility, redesignate and establish the Glenwood Jail as the County of Summit Community
16 Alternative Sentencing Center (“CS-CASC”), establish the rules for the operation of the CS-
17 CASC, approve the rules and criteria for admissible offenders, and authorize the County
18 Executive to execute an intergovernmental agreement with County municipal corporations
19 governing the use of the CS-CASC; and

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21 WHEREAS, this Council finds and determines, after reviewing all pertinent information
22 that it is necessary and in the best interest of the County of Summit to rescind Ordinance Nos.
23 83-406 and 96-611 designating Glenwood Jail as County Jail Facility, to redesignate the
24 Glenwood Jail as the CS-CASC, to establish the rules for the operation of the CS-CASC, to
25 approve the criteria for admissible offenders, and to and authorizing the County Executive to
26 execute intergovernmental agreements with political subdivisions governing the use of the CS-
27 CASC;

28
29 NOW THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
30 of Ohio, that:

31
32 SECTION 1

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34 Ordinance Nos. 83-406 and 96-611 are hereby repealed in their entirety.

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36 SECTION 2

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38 The County Jail Facility located at 40 East Glenwood Ave., Akron, Ohio 44304 is
39 hereby, pursuant to Section 307.932 of the Ohio Revised Code, redesignated and established as
40 the County of Summit Community Alternative Sentencing Center (“CS-CASC”).

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42 SECTION 3

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44 The rules for the operation of the CS-CASC and the criteria that define which offenders
45 are eligible to be sentenced directly to the CS-CASC and admitted to it, which are attached to
46 this Resolution as Exhibit A, and incorporated herein by reference, are hereby approved.
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Voice Vote: YES 11-0 - Dickinson, Donofrio, Feeman, Hamilton, Koehler, Prentice, Rodgers, Schmidt, Soyars, Walters, Wilhite

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4 SECTION 4

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6 The County Executive is hereby authorized to execute an Intergovernmental Agreement
7 County with political subdivisions concerning the use of the CS-CASC. The County Executive
8 is hereby authorized to execute the Intergovernmental Agreement in a form substantially similar
9 to Exhibit B, attached hereto and incorporated herein by reference, with such modifications and
10 revisions as shall be in furtherance of the provisions of said Intergovernmental Agreement and
11 not substantially adverse to the County, all of which shall be conclusively evidenced by the
12 execution thereof by the County Executive.
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14 SECTION 5

15 This Resolution is hereby declared an emergency in the interest of the health, safety, and
16 welfare of the citizens of the County of Summit and for the further reason of immediately
17 redesignating and establishing the Glenwood Jail as the CS-CASC so that Summit County courts
18 may sentence eligible misdemeanants to the CS-CASC as soon as practicable.
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20 SECTION 6

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22 Provided this Resolution receives the affirmative vote of eight members, it shall take
23 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
24 effect and be in force at the earliest time provided by law.
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26 SECTION 7

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28 It is found and determined that all formal actions of this Council concerning and relating
29 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and of any of its committees that resulted in such formal action,
31 were in meetings open to the public, in compliance with all legal requirements, including Section
32 121.22 of the Ohio Revised Code.
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34 INTRODUCED September 10, 2018

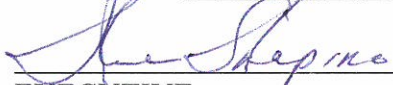
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36 ADOPTED September 24, 2018

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39 _____
40 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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42 APPROVED September 25, 2018

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45 _____
46 EXECUTIVE

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48 ENACTED EFFECTIVE September 25, 2018